

Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

9684

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on 12-6-07Signature Michelle GeorgeTyped or printed name Michelle George

Application Number

09/739,994

Filed

December 18, 2000

First Named Inventor

BISGAARD-BOHR, M.

Art Unit

2161

Examiner

NGUYEN, CINDY

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒

attorney or agent of record.

Registration number 32,759☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

Signature

James M. Stover

Typed or printed name

937-445-7663

Telephone number

December 5, 2007

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☐

*Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 9684

Application of:

BISGAARD-BOHR, M. et al.

Group Art Unit: 2161

Serial No. 09/739,991

Examiner: NGUYEN, CINDY

Filed: December 18, 2000

**For: DATA MODEL FOR ANALYSIS OF RETAIL TRANSACTIONS
USING GAUSSIAN MIXTURE MODELS IN A DATA MINING
SYSTEM**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Applicant respectfully requests review of the final rejection of claims 1, 6-9, 14-17 and 22-27 of the present application. No amendments are being presented with this request. This request is being filed concurrently with a Notice of Appeal.

Claims 1, 6-9, 14-17 and 22-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,301,575 (hereafter Chadha et al.) in view of Bruce Moxon, "Data Mining: The Golden Promise," copyright 1997, Miller Freeman, Inc. (hereafter Bruce). Claims 25-27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Chadha in view of Bruce, and further in view of U.S. Patent No. 6,263,337 (hereafter Fayyad et al.).

CERTIFICATION OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 12-6-07.

By: Michelle George

Name: Michelle George

The rejection of claims 1, 6-9, 14-17 and 22-27 under 35 U.S.C. §103(a) are respectfully traversed. To establish a *prima facie* case of obviousness, at least the following requirements must be met: (1) the references when combined must teach or suggest all elements of the claimed subject matter; (2) there must be some motivation, suggestion or teaching to combine the references; and (3) there must be, within the references, a reasonable expectation of success. *See* M.P.E.P. § 2143 (8th ed., Rev. 2), at 2100-129. The Office has not established a *prima facie* case of obviousness because these requirements have not been satisfied: the references when combined do not teach or suggest all of the elements of the claimed subject matter.

Chadha was cited as teaching a basket database table that contains summary information about the retail transactional data (Chadha, col. 15, lines 21-29), an item database table that contains information about individual items referenced in the retail transactional data (Chadha, col. 8, lines 53-60), and a department database table that contains aggregate information about the retail transactional data (Chadha, col. 10, lines 48-55).

Column 15, lines 21-29 of Chadha describes test performed utilizing mining data drawn from sales data of a retail store chain, with transactions drawn over various periods of time. It is not seen that this is equivalent to “a basket database table that contains summary information about the retail transactional data” recited in each claim of the present application.

Column 10, lines 48-55 of Chadha recites “One of the columns in the multi-column data store represents a transaction, and each of the remaining columns in the multi-column data store represents elements of that transaction. In Block 202, the Data Mining System 124 performs a combination operator to obtain candidate itemsets of data from the multi-column data store, each itemset being a combination of a number of rows of the multi-column data store. It is not seen

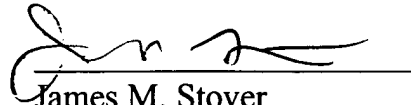
that this is equivalent to “a department database table that contains aggregate information about the retail transactional data” recited in each claim of the present application.

Bruce at page 3, last line to page 4, line 3, and Figure 3, was cited as teaching mapping the data model to aggregate the transactional data for cluster analysis of shopping behavior. The cited text of Bruce describes data marts and the reformulation of information within a warehouse along lines that will better support specific analysis needs. Figure 3 of Bruce illustrates a system including a source dataset, data mining, and analysis components. It is not seen, however, that the cited text and figure of Bruce describes or illustrates the limitation of a data model mapped “to aggregate the transactional data for cluster analysis of shopping behavior,” recited in each claim of the present application.

As none of the cited references teaches “a basket database table that contains summary information about the retail transactional data,” “a department database table that contains aggregate information about the retail transactional data,” or a data model mapped “to aggregate the transactional data for cluster analysis of shopping behavior”, as recited in each one of independent claims 1, 9 and 17, it is believed that claims 1, 9 and 17, as well as dependent claims 6-8, 14-16, and 22-27, are patentable over the cited references, taken singularly or in combination.

Review of the present application and claims with consideration of the foregoing comments, and reconsideration of the rejection of claims 1, 6-9, 14-17 and 22-27, are respectfully requested.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'J. M. Stover', is written over a horizontal line.

James M. Stover

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